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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,300	03/24/2004	Fumiaki Usui	CFA00065US	6504

34904 7590 04/03/2007

CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
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EXAMINER	
ABDIN, SHAHEDA A	
ART UNIT	PAPER NUMBER
2609	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/809,300	USUI ET AL.	
	Examiner	Art Unit	
	Shaheda A. Abdin	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *19-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *See Continuation Sheet*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :07/11/2005, 03/16/2006,02/21/2007.

DETAILED ACTION

Preliminary Amendment

1. The preliminary amendment filed on 03/16/2006, has been entered.

Drawings Objections

2. The drawings are objected to because there are no labels for each block of figures 1-11. These figures need to have descriptive labels under 37 CFR 1.84(n) and 1.84(o). For example, in fig.1, 6 may be labeled for photodetector.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. The claim 23 is rendered indefinite, because it is depends on cancelled claim 4 which is unclear.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 19-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Tataki et al. (JP Publication No:. 09-181340,see IDS).

As shown in fig.13 and 32, Tateki et all. discloses an optical transmission device.

(1) Regarding claim 19:

An optical transmission device (fig. 32) comprising:

a light-emitting element (laser diode) for converting an electronic signal to an optical signal ([0003], lines 1-4);

a light-receiving element for signal detection (9, photodetector) for converting a received optical signal to an electronic signal ([0006], lines 3-6, fig. 32);

at least two light-receiving elements (7,9, photodetector) for position detection for detecting a receiving position of a luminous flux emitted from a light-emitting element of an opposed partner device (LB) by means of plural light-receiving units divided by separating bands (s band,[0022] and fig. 6), a mirror (4a, adjustable mirror) adjusted so as to align an optical axis of the luminous fluxes emitted from said light-emitting element of the partner device with an optical axis of the luminous fluxes emitted from said light-emitting element of said optical transmission device in accordance with the detected position by the light-receiving elements for position detection, wherein said at least two light-receiving elements for position detection (7,9, photodetector) are arranged so that receiving positions of said light-receiving elements are farther than the width of said separating bands each other ([0022], [0006], fig 6, fig. 7 and fig 32).

(2) Regarding claim 20:

Tateki et al. further discloses wherein said light-receiving elements (photodetector, 22) are divided into 4 parts by the separating bands ([0002] and fig. 25).

(3) Regarding claim 21:

Wherein a diameter of a light receiving spot of said light-receiving elements for position detection is smaller than the width of said separating bands ([0026], [0027] and fig. 9).

(4) Regarding claim 22:

Tateki et al discloses an optical transmission device comprising:

a light-emitting element (laser diode) for converting an electronic signal to an optical signal ([003] fig, 32):

a light-receiving element (9, photodetector) for signal detection for converting a received optical signal to an electronic signal ([0006], fig. 32):

a light-receiving element (9) for position detection for detection a receiving position of a luminous flux emitted from a light-emitting element (laser diode) of an opposed partner device (B) by means of plural light-receiving units divided by separating bands (s band, [0022]), a mirror (4a) adjusted so as to align an optical axis of the luminous fluxes emitted from said light-emitting element of the partner device with an optical axis of the luminous flux emitted from said light-emitting element of said optical transmission device in accordance with the detected position by the light-receiving elements for position detection ([0022], [0006], [0008] fig 6, fig. 7 and fig 32)

an optical system having a light converging element (lens 8) for converging the luminous fluxes emitted from said light-emitting element of the partner device to said light-receiving elements for position detection ([0004], fig. 32) ;

driving unit (20, 24) for shifting at least one of said light converging element (8) and said light-receiving elements for position detection (22, in fig. 13) within a plane perpendicular (lens group8, and photodetector 22 is perpendicular) to the optical axis of said optical system ([0037], fig. 13),

wherein the relative shifting amount of the optical axis of said optical system (in fig. 33) and said light-receiving elements for position detection (22, in fig. 13) by said driving unit is greater than the width of the separating bands ([0024], [0025], [0026], and fig 13 and 33).

(5) Regarding claim 23

Wherein a diameter of a light receiving spot of said light-receiving elements for position detection is smaller than the width of said separating bands ([0026], [0027] and fig. 9).

Conclusion

8. The prior art made of record and not relies upon is considered pertinent to applicant's disclosure. Suzuki et al.(US patent No: 5,644,375) discloses an ophthalmic apparatus comprising an examining system for examining an eye, wherein the examining system is operated after aligned at a predetermined position with respect to the eye to be examined, comprises the first system for moving the examining system in accordance with operation by an examiner with respect to the eye to be examined, a

system for forming alignment indexes on the eye to be examined, a system for detecting the alignment indexes formed on the eye, a system for judging whether or not the alignment indexes detected by the index detecting system are within a predetermined area with respect to the examining system, the second system for further moving the examining system in addition to movement by the first moving system, and a system for controlling, when the judging system judges that the alignment indexes are within a predetermined area, the second moving system to perform alignment based on results from the index detecting system.

9. Any inquiry concerning this communication should be directed to the examiner at (571) 270-1673 Monday- Friday 7:30 AM to 5:00 PM EST.
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu, can be reached at (557) 272-3036.

Information regarding the status on an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (tool-free). If you would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9799 (IN USA OR CANADA) or 571-272-1000.

Any response to this action should be mailed to:

Commissioner of patents and trademarks

Washington, D.C. 20231

Or fax to:

(703)872-9314 (for Technology Center 2600 only)

Shaheda Abdin

03/12/2007

SHUWANG LIU
SUPERVISORY PATENT EXAMINER